



DECLARATION AND POWER OF ATTORNEY

As a below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names; that

We verily believe we are the original and first inventors of the invention entitled: **TUNABLE CUTTING DEVICE** (Docket No. GAT 0087 PA/40304.173), described and claimed

 X in the attached specification;
 in the specification filed _____, as U.S. Application Serial
No. _____, and as amended _____.

We hereby authorize the attorney(s) and/or agent(s) appointed herein to indicate above whether the invention is described and claimed in an attached specification and to provide the Filing Date and Serial No. of the corresponding U.S. Application, if previously filed.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

| Application Number | Filing Date |
|--------------------|-----------------------|
| <u>60/492,441</u> | <u>August 4, 2003</u> |

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|----------------------|-----------------|
| Richard A. Killworth | Reg. No. 26,397 |
| James F. Gottman | Reg. No. 27,262 |
| Timothy W. Hagan | Reg. No. 29,001 |
| James E. Beyer | Reg. No. 39,564 |
| Susan M. Luna | Reg. No. 38,769 |
| Patricia L. Prior | Reg. No. 33,758 |
| William A. Jividen | Reg. No. 42,695 |
| John D. Reed | Reg. No. 46,506 |
| Brian L. Smiler | Reg. No. 46,458 |
| Kristina E. Swanson | Reg. No. 53,657 |

Address all telephone calls to (937) 223-2050. Address all correspondence to: DINSMORE & SHOHL LLP, One Dayton Centre, One South Main Street, Suite 500, Dayton, Ohio 45402-2023.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first Inventor: Richard John Mitro

Inventor's signature Richard John Mitro

Date: 4-22-04

Residence: 100 Victory Circle
San Ramon, CA 94583

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of second Inventor: Robert Nathan Edwards

Inventor's signature Robert Nathan Edwards

Date: 4-22-04

Residence: 38047 Stenhammer Dr.
Fremont, CA 94536

Citizenship: U.S.A.

Post Office Address: Same as above